

**REGULAR MEETING  
MARCH 15, 2001**

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, March 15, 2001, at the hour of 7:00 PM. Those present were Commissioners: Larry Brown, Kevin Gunderson, W. Russ Powell, Polly Rideout and Mayor Paul Reeves, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Deborah Musser, City Clerk; Tom Kelley, Chief of Police; Tony Grubb, Finance Director; Steve Corbitt, Director of Public Services; Marion Russell, Assistant Director of Public Services; Mike Rogers, Mass Transit Superintendent; Bruce Craft, Recreation Division, and Reporters.

The invocation was given by Commissioner Gunderson.

The Pledge of Allegiance was conducted.

**AGENDA**

City Manager Fisher presented the agenda of March 15, 2001. Motion was made by Brown, seconded by Powell, to receive and file the agenda. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**MINUTES**

Motion was made by Gunderson, seconded by Rideout, to dispense with the reading and approve the minutes of the Regular Meeting held on February 15, 2001 and the Recessed Meetings held on February 16 and 21, 2001. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**HEARINGS AND REPORTS**

**City Manager's Report & Mayor & Commissioners' Comments –**

City Manager Fisher announced the state has approved final plans for the exit ramp for the Ashland Town Center Mall interchange on U.S. 23. He also stated that work is being done on the baseball fields at Southside Pool property. The sludge filter press has been installed at the Wastewater Treatment Plant and bids for the extension of the East Central linear park will be requested in April. The Mayor and City Manager attended the Board meeting of the Boyd County Airport where they learned the airport has numerous needs and the City can review its funds for that facility. A joint meeting with the Boyd County Fiscal Court has been tentatively scheduled for Thursday, April 26 at the Central Fire Station.

Commissioner Powell asked about the anticipated completion date for the exit ramp at the mall. He was informed the City intends to begin the project next week with completion by the end of June.

Commissioner Brown asked for submission of an agenda for the April 26 joint meeting with the Boyd County Fiscal Court.

Motion was made by Brown, seconded by Powell, that presentation of a Community Service Award be made to the Ashland Breakfast Kiwanis for its cleanup work on Oakview Road for many years. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed. Commissioner Brown presented the award to Kiwanis members Chuck Charles, Kay Gevedon and Jerry Henderson, Chairman for the Oakview Road property.

**REGULAR MEETING MARCH 15, 2001**  
**PUBLIC PARTICIPATION**

**PUBLIC PARTICIPATION**

- (a) Helen Fry, 824 Rogers Court, informed the Commission there is a problem with garbage and rats in her neighborhood. Code Enforcement issued a citation. Corporation Counsel Martin advised Ms. Fry that she will be notified of the court date.

Ms. Fry also asked for assistance with a tree located on the City's right-of-way. She had the trees trimmed but one limb was left that needs to be removed. Public Services will inspect the tree.

- (b) James Hodges, 2731 Woodhaven Drive, Commander, Department of Kentucky Military Order of the Purple Heart, informed the Commission the annual convention would be in the City June 15 – 16. He requested a donation to help defray the costs for the convention. Motion was made by Gunderson, seconded by Rideout, to waive the fee on the bus being chartered from Mass Transit. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none.

**OLD BUSINESS**  
**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 28A, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND MOUNTAIN ENTERPRISES, INC. FOR THE PURCHASE OF ALL LABOR, MATERIALS, EQUIPMENT AND SERVICES FOR THE PLACEMENT AND REPLACEMENT OF BITUMINOUS ASPHALT MATERIAL FOR THE 2001 STREET PAVING PROGRAM FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISION OF STREETS.

\*\*\*\*\*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Mountain Enterprises, Inc., P. O. Box 13070, Lexington, Kentucky, for the purchase of all labor, materials, equipment and services for the placement and replacement of bituminous asphalt material for the 2001 street paving program for the Department of Public Services, Division of Streets, in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 28A, 2001 CONTINUED**

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 1, 2001  
READOPTED BY THE BOARD OF COMMISSIONERS: March 15, 2001  
PUBLISHED:

**MOTION**

Motion was made by Powell, seconded by Brown, to adopt Ordinance No. 28A, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**DISCUSSION**

Don Maxwell, 2701 Forest Avenue, asked whether curbs on streets to be paved are to be repaired/replaced. Director of Public Services Corbitt advised that the curbs are to be repaired/replaced.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 29, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY,  
AUTHORIZING AND DIRECTING PAUL R. REEVES,  
MAYOR, TO EXECUTE A LEASE AGREEMENT BETWEEN  
THE CITY OF ASHLAND AND THE XEROX CORPORATION  
FOR A FIVE-YEAR LEASE OF A XEROX 5830T.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a lease agreement between the City of Ashland, Kentucky and the Xerox Corporation for a five-year lease of a Xerox 5830T. A copy of said lease agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 1, 2001  
READOPTED BY THE BOARD OF COMMISSIONERS: March 15, 2001  
PUBLISHED:

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 29, 2001 CONTINUED**

**MOTION**

Motion was made by Gunderson, seconded by Brown, to adopt Ordinance No. 29, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 30, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY,  
AUTHORIZING AND DIRECTING PAUL R. REEVES,  
MAYOR, TO EXECUTE A PROFESSIONAL AGREEMENT  
BETWEEN THE CITY OF ASHLAND, KENTUCKY AND  
QUEST ENGINEERS, INC., RETAINING QUEST TO  
PROVIDE ENGINEERING SERVICES FOR THE EAST  
CENTRAL AVENUE AREA – STORM WATER RELIEF  
PROJECT WITHIN THE CITY OF ASHLAND, KENTUCKY.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute an agreement between the City of Ashland, Kentucky and Quest Engineers, Inc., retaining Quest to provide engineering services for the East Central Avenue Area – Storm Water Relief Project within the City of Ashland, Kentucky. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 1, 2001
READOPTED BY THE BOARD OF COMMISSIONERS:	March 15, 2001
PUBLISHED:	

**MOTION**

Motion was made by Gunderson, seconded by Rideout, to adopt Ordinance No. 30, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 31, 2001**  
**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 31, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 DATED FEBRUARY 23, 2001, BETWEEN THE CITY OF ASHLAND, KENTUCKY AND DILLON CONSTRUCTION CO., INC. FOR A CONTRACT DATED NOVEMBER 8, 2000 REGARDING THE SKYLINE DRIVE SANITARY SEWER EXTENSION PROJECT.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 1 dated February 23, 2001, in the contract dated November 8, 2000 and authorized by Ordinance No. 119, 2000 between the City of Ashland, Kentucky and Dillon Construction Co., Inc. for the Skyline Drive Sanitary Sewer Extension Project is hereby approved as follows:

**Change Order No. 1 – Dated February 23, 2001**

Original Contract Price	\$973,000.00
Previous Change Orders	0.00
Contract Price prior to this Change Order	973,000.00
Net Increase of this Change Order	128,700.00
Contract Price with all approved Change Orders	\$1,101,700.00

A true copy of Change Order No. 1 is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 1, 2001
READOPTED BY THE BOARD OF COMMISSIONERS:	March 15, 2001
PUBLISHED:	

**MOTION**

Motion was made by Gunderson, seconded by Rideout, to adopt Ordinance No. 31, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 32, 2001**  
**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 32, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 3 DATED FEBRUARY 15, 2001, BETWEEN THE CITY OF ASHLAND, KENTUCKY AND NEIGHBORGALL CONSTRUCTION CO. FOR A CONTRACT DATED SEPTEMBER 4, 2000 REGARDING THE PARAMOUNT ARTS CENTER PROJECT.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 3 dated February 15, 2001, in the contract dated September 4, 2000 and authorized by Ordinance No. 108, 2000 between the City of Ashland, Kentucky and Neighborgall Construction Co. for the Paramount Arts Center Project is hereby approved as follows:

**Change Order No. 3 – Dated February 15, 2001**

The original contract sum was	\$3,697,000.00
Net change by previously authorized Change Orders	47,827.08
The contract sum prior to this Change Order was	3,744,827.08
The contract sum will be increased by this Change Order in the amount of	76,478.40

The new contract sum including this Change Order will be \$3,821,305.48  
The Contract Time will be increased by eleven (11) days  
Completion date – November 13, 2001

A true copy of Change Order No. 3 is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 1, 2001
READOPTED BY THE BOARD OF COMMISSIONERS:	March 15, 2001
PUBLISHED:	

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. 32, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 33, 2001**  
**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 33, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN'S YEAR IV ACTION PLAN AS ADOPTED BY ORDINANCE NO. 56, SERIES OF 2000, BY INCREASING THE HOUSING REHABILITATION LINE ITEM BY \$200,000.00 TO AID IN THE RESTRUCTURING/ REHABILITATION OF THE HILLCREST & BRUCE APARTMENT COMPLEXES.

\*\*\*\*\*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of Commissioners of the City of Ashland, Kentucky hereby adopts an amendment to the Community Development Block Grant Consolidated Plan's Year IV Action Plan as adopted by Ordinance No. 56, Series of 2000, by increasing the Housing Rehabilitation line item by \$200,000.00 to aid in the restructuring/rehabilitation of the Hillcrest & Bruce Apartment Complexes. Said amendment is attached hereto and made a part hereof by reference

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. It shall be considered that it is the intent of the City of Ashland, in enacting this ordinance, that if any part of it be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the City would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of the City of Ashland.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 1, 2001
READOPTED BY THE BOARD OF COMMISSIONERS:	March 15, 2001
PUBLISHED:	

**MOTION**

Motion was made by Gunderson, seconded by Brown, to adopt Ordinance No. 33, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 34, 2001**  
**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 34, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING SECTION 2 OF ORDINANCE NO. 68, SERIES OF 2000, WHICH IS COMMONLY KNOWN AND REFERRED TO AS THE “BUDGET ORDINANCE” OF THE CITY OF ASHLAND.

\* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Section 2 of Ordinance No. 68, series of 2000, being an ordinance entitled, “AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, APPROVING AND ADOPTING THE 2000-2001 BUDGET AND APPROPRIATING REVENUES ON HAND AND TO BE RECEIVED DURING THE YEAR 2000-2001 FOR THE PAYMENT OF EXPENSES OF THE CITY OF ASHLAND FOR THE TWELVE-MONTH PERIOD BEGINNING JULY 1, 2000 AND ENDING JUNE 30, 2001 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith,” which is commonly known and referred to as the “Budget Ordinance” be and said section is hereby amended as follows, such amendments shown by underscoring all newly inserted language and by a single broken line through all deleted language:

SECTION 2. That the following appropriations be and the same are hereby made from revenues on hand and to be received during the year 2000-2001 by the City of Ashland, Kentucky:

**FROM GENERAL FUND**

FOR:	
DEPARTMENT OF GENERAL GOVERNMENT	<del>\$5,167,654</del> <u>5,277,654</u>
DEPARTMENT OF FINANCE	340,752
DEPARTMENT OF PUBLIC SERVICES	4,053,245
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT	184,725
DEPARTMENT OF POLICE	2,903,561
DEPARTMENT OF FIRE	3,454,691
DEPARTMENT OF ENGINEERING	123,324
TOTAL FROM GENERAL FUND	<del>\$16,227,952</del> <u>16,337,952</u>

**FROM MUNICIPAL AID PROGRAM FUND**

FOR:	
DEPARTMENT OF MUNICIPAL AID PROGRAM	\$424,500

**FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND**

FOR:	
DIVISION OF GENERAL COMMUNITY DEVELOPMENT	\$121,720
DIVISION OF HOUSING DEVELOPMENT	<del>485,499</del> <u>685,499</u>
DIVISION OF NEIGHBORHOOD DEVELOPMENT	254,228
TOTAL FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS	<del>\$861,447</del> <u>1,061,447</u>

**FROM PLANNING AND CDBG GRANTS FUND**

FOR:	
DIVISION OF PLANNING & COMMUNITY DEVELOPMENT GRANTS	\$6,040,000



**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 34, 2001 CONTINUED**

**FROM URBAN DEVELOPMENT ACTION GRANT**

FOR:  
DIVISION OF U.D.A.G. \$348,000

**FROM HOUSING ASSISTANCE PROGRAM FUND**

FOR:  
DIVISION OF SECTION 8 EXISTING \$ 550,574  
DIVISION OF SECTION 8 VOUCHER PROGRAM 1,337,426  
  
TOTAL FROM HAP FUND \$1,880,000

**FROM FLOODWALL OPERATING FUND**

FOR:  
DIVISION OF FLOODWALL MAINTENANCE \$191,645

**FROM UTILITY FUND**

FOR:  
DEPARTMENT OF UTILITY ADMINISTRATION \$3,279,665  
DEPARTMENT OF WATER SERVICES 6,108,349  
DEPARTMENT OF SEWER SERVICES 4,751,292  
  
TOTAL FROM UTILITY FUND \$14,139,306

**FROM ASHLAND BUS SYSTEM**

FOR:  
DIVISION OF MASS TRANSIT \$638,497

**FROM RECREATION OPERATING FUND**

FOR:  
DIVISION OF PARK CONCESSIONS \$115,946  
DIVISION OF DAWSON PARK POOL 70,058  
DIVISION OF SOUTHSIDE PARK 80,750  
  
TOTAL FROM RECREATION OPERATING FUND \$266,754

**FROM CAPITAL PURCHASE/IMPROVEMENT FUND**

FOR:  
DEPARTMENT OF GENERAL GOVERNMENT \$120,200  
DEPARTMENT OF PUBLIC SERVICES 491,500  
DEPARTMENT OF PLANNING/C.D. 20,000  
DEPARTMENT OF POLICE 174,900  
DEPARTMENT OF FIRE 1,208,000  
DEPARTMENT OF ENGINEERING 70,100  
  
TOTAL FROM CAPITAL PURCHASE/IMPROVEMENT FUND \$ 2,084,700

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/PAUL R. REEVES  
MAYOR

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 34, 2001 CONTINUED**

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 1, 2001  
READOPTED BY THE BOARD OF COMMISSIONERS: March 15, 2001  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. 34, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 35, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE ZONING MAP OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF ASHLAND NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 1124 BATH AVENUE FROM R-4, RESIDENTIAL/HIGH DENSITY, TO B-3, BUSINESS/DOWNTOWN.

\* \* \* \* \*

WHEREAS, a request has been received from the Stavros Estate for the rezoning of property located at 1124 Bath Avenue from R-4 Residential/High Density, to B-3 Business/Downtown, and

WHEREAS, the Ashland Planning Commission held a duly advertised and conducted public hearing on said application on February 20, 2001; and on the basis of evidence presented thereat made certain factual determinations and concluded therefrom that the proposed change is in conformance with the adopted Comprehensive Plan; and made a recommendation to the Ashland City Commission that said application be approved as requested;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. On the basis of the aforementioned factual determinations and recommendation by the Ashland Planning Commission with further review of such facts of the Ashland Board of City Commissioners, and pursuant to KRS Chapter 100, that the official Zoning Ordinance of the City of Ashland, No. 101, series of 1986 and the official Zoning Map which is a part thereof, be hereby amended as follows:

The zoning classification of property located at 1124 Bath Avenue is hereby changed from R-4 Residential/High Density to B-3 Business/Downtown.

SECTION 2. The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

SECTION 3. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 35, 2001 CONTINUED**

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 1, 2001  
READOPTED BY THE BOARD OF COMMISSIONERS: March 15, 2001  
PUBLISHED:

**DISCUSSION**

Commissioner Powell questioned variances granted by the BZA contingent upon approval of the zoning request by the Commission and why BZA minutes were not included in backup documentation with the zoning change request.

Jeff Meade, 3610 Leighwood Drive, advised the drawings submitted were different because originally he was not aware the proposal included encroachment on state property so the drawings were revised. He stated that he had complied with all requirements that he was aware of.

Corporation Counsel Martin advised that the original request for the project had been incorrectly done which caused a month delay. Therefore, City staff were working to have the proposal move through the process and therefore was considered by BZA and Planning Commission on the same day.

Don Maxwell and Greg Neese were in attendance and have been appointed to the BZA and stated the BZA would review proposals in the future in a procedural manner.

**MOTION**

Motion was made by Gunderson, seconded by Rideout, to adopt Ordinance No. 35, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 36, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND,  
KENTUCKY, PROHIBITING PARKING ON BOTH  
SIDES OF KENTUCKY AVENUE FROM ITS  
INTERSECTION WITH 13<sup>TH</sup> STREET TO THE END OF  
THE PROPERTY LOCATED AT 2400 13<sup>TH</sup> STREET  
AND PROVIDING A PENALTY FOR THE VIOLATION  
OF THIS ORDINANCE.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That it shall be unlawful for any person, firm or corporation to park and leave standing any vehicle on both sides of Kentucky Avenue from its intersection with 13<sup>th</sup> Street to the end of the property located at 2400 13<sup>th</sup> Street, more particularly described as follows:

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. 36, 2001 CONTINUED**

Beginning at the projected intersection points of the northerly and southerly curblines of Kentucky Avenue and the easterly curbline of 13<sup>th</sup> Street; thence in an easterly direction 112' to points in both the northerly and southerly curblines of Kentucky Avenue.

SECTION 2. The Director of Public Services is hereby authorized and directed to install appropriate signs and/or curb or street markings to properly carry the provisions of this ordinance into effect.

SECTION 3. The Chief of Police is hereby authorized and directed to properly carry the provisions of this ordinance into effect and to take appropriate steps to enforce same.

SECTION 4.

4.1 Any person, firm or corporation violating the terms of this ordinance who chooses to prepay the administrative penalty, the rate shall not be less than Ten Dollars (\$10.00).

4.2 If violation of this ordinance results in a uniform citation being issued, any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a violation and shall be punished by a fine not less than Ten Dollars (\$10.00) nor more than any stated amount provided in KRS 534.040 for a violation offense.

SECTION 5. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 1, 2001
READOPTED BY THE BOARD OF COMMISSIONERS:	March 15, 2001
PUBLISHED:	

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. 36, 2001, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**CONSENT AGENDA**

**RESOLUTION NO. 10, 2001**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **MARCH 15, 2001.**

\* \* \* \* \*

**REGULAR MEETING MARCH 15, 2001**  
**RESOLUTION NO. 10, 2001 CONTINUED**

BE IT RSOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the "Consent Agenda" for the meeting of **March 15, 2001**. Attached hereto and incorporated herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 15, 2001

**MOTION:**

Motion was made by Brown, seconded by Rideout, to adopt Resolution No. 10, 2001. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**NEW BUSINESS**  
**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND AND JEFFREY L. MEADE REGARDING AN ENCROACHMENT FOR THE INSTALLATION OF A SIGN, PARKING AND A BUFFER AT 1124 BATH AVENUE ON THE CITY'S RIGHT-OF-WAY.

**MOTION**

Motion was made by Gunderson, seconded by Powell, to adopt Ordinance No. \_\_\_\_\_, 2001, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 DATED FEBRUARY 28, 2001, BETWEEN THE CITY OF ASHLAND, KENTUCKY AND LAWGIBB GROUP FOR A CONTRACT DATED NOVEMBER 1, 2000 REGARDING THE PARAMOUNT ARTS CENTER PROJECT.

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. \_\_\_\_, 2001 CONTINUED**

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. \_\_\_\_, 2001, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING PAUL R. REEVES, MAYOR, TO EXECUTE THE PROPOSED FY2002 BUDGET FOR THE OFFICE OF EMERGENCY MANAGEMENT FOR SUBMISSION TO EACH GOVERNMENTAL ENTITY.

**MOTION**

Motion was made by Gunderson, seconded by Rideout, to adopt Ordinance No. \_\_\_\_, 2001, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO SUBMIT THE 2001/2002 GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION ON BEHALF OF THE ASHLAND BUS SYSTEM FOR OPERATING COSTS IN THE AMOUNT OF \$303,370.00; CAPITAL ASSISTANCE REIMBURSEMENT FOR PREVENTIVE MAINTENANCE IN THE AMOUNT OF \$47,500.00 AND CAPITAL ASSISTANCE FOR PARATRANSIT SERVICE IN THE AMOUNT OF \$50,125.00; AND FURTHER AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE IMPLEMENTATION OF THIS GRANT.

**MOTION**

Motion was made by Gunderson, seconded by Powell, to adopt Ordinance No. \_\_\_\_, 2001, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING MARCH 15, 2001**  
**ORDINANCE NO. \_\_\_\_\_, 2001**

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROVIDING FOR THE ADVERTISEMENT AND SALE OF A FRANCHISE AUTHORIZING THE OWNER THEREOF TO OWN, MAINTAIN, CONSTRUCT AND OPERATE ELECTRIC POWER TRANSMISSION AND DISTRIBUTION LINES UPON, ALONG, OVER AND UNDER THE STREETS, THOROUGHFARES, ALLEYS, SIDEWALKS, BRIDGES, PUBLIC WAYS AND OTHER PUBLIC PLACES OF SAID CITY.

**MOTION**

Motion was made by Powell, seconded by Gunderson, to adopt Ordinance No. \_\_\_\_\_, 2001, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING SECTION 2 OF ORDINANCE NO. 68, SERIES OF 2000, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 34, 2001, WHICH IS COMMONLY KNOWN AND REFERRED TO AS THE "BUDGET ORDINANCE" OF THE CITY OF ASHLAND.

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. \_\_\_\_\_, 2001, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2001**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING PART VI: BENEFITS, O. CLOTHING ALLOWANCE OF THE "PERSONNEL POLICIES AND PROCEDURES" AS ADOPTED BY ORDINANCE NO. 25, SERIES OF 1991, AS PREVIOUSLY AMENDED.

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. \_\_\_\_\_, 2001, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING MARCH 15, 2001**  
**RESOLUTION NO. 11, 2001**

**FIRST READING & ADOPTION ONLY**

**RESOLUTION NO. 11, 2001**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, EXPRESSING THE CITY'S CURRENT INTENT TO GIVE PRIORITY CONSIDERATION TO THE CANNONSBURG WATER DISTRICT FOR THE PURCHASE OF AN ADDITIONAL 1 MILLION GALLONS OF WATER PER DAY UNDER THE CITY'S EXISTING AGREEMENT WITH CANNONSBURG, ONCE THE IMPROVEMENTS ARE COMPLETED ON THE EXPANSION OF THE CITY'S WATER PLANT AND THE CITY HAS THE KNOWN CAPACITY TO MAKE SUCH AMOUNT OF WATER AVAILABLE FOR SALE.

\* \* \* \* \*

WHEREAS, the Cannonsburg Water District ("Cannonsburg") purchases water from the City of Ashland ("City") under an Agreement dated December 8, 1988, and

WHEREAS, Cannonsburg has expressed to the City that it desires to increase the amount currently being purchased from the City by 1 million gallons per day, and

WHEREAS, the City is in the planning stages of an expansion of its water plant that should result in a projected increase of 12 million gallons in its current daily production capacity, and

WHEREAS, it is currently projected by the City's consulting engineering firm that the construction phase of the planned expansion will be completed in July 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. A request has been received from the Cannonsburg Water District that the daily quantity of water available to Cannonsburg from the City be increased by 1 million gallons.

SECTION 2. Cannonsburg has an existing Agreement with the City dated December 8, 1988.

SECTION 3. Once the planned expansion of the City's water plant has been completed and the City has gained the operational experience to determine the reliable and predictable amount of increase in its daily water production resulting therefrom, while first meeting the needs of residents and businesses located within the City, the City will grant priority consideration to the request by Cannonsburg to purchase an additional 1 million gallons of water, subject to the terms and conditions of its Agreement with Cannonsburg and to other reasonable negotiations thereunder.

SECTION 4. This Resolution shall be in full force and effect from and after its adoption, as required by law.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 15, 2001

**MOTION:**

Motion was made by Gunderson, seconded by Rideout, to adopt Resolution No. 11, 2001. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.



**REGULAR MEETING MARCH 15, 2001**  
**DISCUSSION ITEM**

**DISCUSSION ITEM**

**Limited Use of Right-of-Way request by the American Legion at 405 20<sup>th</sup> Street** – Motion was made by Powell, seconded by Brown, authorizing the Legal Department to prepare an ordinance. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**APPOINTMENT**

Motion was made by Brown, seconded by Rideout, approving the Mayor's appointment of Kevin Gunderson to the Tri-State Airport Authority for a three-year term retroactive to February 11, 2001 and expiring on February 11, 2004. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

**EXECUTIVE SESSION**

Motion was made by Brown, seconded by Powell, to go into Executive Session at 8:02 PM to discuss an individual personnel matter and pending litigation. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

**RECONVENED**

The meeting reconvened at 8:35 PM and Mayor Reeves announced that the only items discussed were an individual personnel matter and pending litigation with no final action taken.

**MOTION:**

Motion was made by Powell, seconded by Gunderson, recommending the termination of Karen Newman. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

**RECESS**

Mayor Reeves declared the meeting recessed at 8:37 PM until 11:00 AM on March 22, 2001.

---

PAUL R. REEVES, MAYOR

ATTEST:

---

DEBORAH MUSSER  
CITY CLERK